

Office of General Counsel
Federal Election Commission
999 E St NW
Washington, DC 20463

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MUR # 7097

OFFICE OF GENERAL
COUNSEL

In re: David Brock's "Correct the Record" (CTR) and Priorities USA Action, SUPERPAC funding

Dear Sir/Madam,

I read a very disturbing article about the behavior of the Clinton Campaign Committee today. It does a better job of explaining a condition of the Clinton Campaign's conspiring with others to violate the Federal Election Law, yet I have experienced being targeted by the subject SuperPACs workers on the Web in unimaginably abusive ways intended to alter or forcibly intimidate my expression of my 1st Amendment Constitutional Rights. I consider the so-called "news feed" on Facebook, for example, to be a modern day equivalent of the Town Square and Town Hall. To be undermined and abused by paid workers trained to use psychological tactics to undermine opinions not supportive of Hillary Clinton, is egregiously horrific, particularly without any means to respond to it. To learn that they are employed by CTR, a SuperPAC, funded by public donations and direct investment of the Hilary Clinton campaign is challenging to my understanding of the Constitution and fairness. But I believe it also grossly violates Federal Election Law and that David Brock's "Correct the Record" (CTR) must be made to stop such practices and misuse of SuperPAC funding as influence peddling behavioral abuses.

Facebook and Twitter's "report" mechanisms does not enforce FE law, and their notions of "Community Standards" is based on things like "foul language" or "confrontational comment aimed at offending someone on a harassing or bias towards human difference ground" (e.g.- Completely ignore offensive falsehoods and abuses shoved in one's digital page, using a trash attack on a subject matter designed to harass one and undermine any semblance of truth or fair debate, but not violate the standards in use) with a very singularly high bar. Literally all Federal Election Abuses would pass right beneath it unscathed, but attempts at focusing on issues in response, can get a "report" by a CTR paid "troll" accusing one of any kind of racial, deviant or intentionally offensive abuse so as to provoke public support and then, upon a reply, file a Report to obtain a sanction and banning by Facebook for a day to a month. Such was recently done to Allen West's Facebook Page Administrator. They were banned by Facebook for a month because of posting a debate on whether Orlando Jihadist: Omar Mateen was "simply a Jihadist" or "a Homosexual with self image discomfort and homophobia" after an obvious group of Trolls (according to details given me by a Facebook legal employee later replying to my own complaint about the ban) who recorded a complaint through the Report system in simultaneity – one of the criteria for long banning used by Facebook.

Sadly, Facebook seems more sensitive to one side of the debate, but that's not what my writing is about. I'm concerned about the financial improprieties associated with the above behavior by both CTR

to bash, harass and make perceptibly harassingly false and misleading claims or preventing debate of attacks on Trump by anyone wishing to ferret out the truth, a second SuperPAC known as Priorities USA Action, both of whom do appear to have offshore backing, according to my sources in Saudi Arabia (I worked in the counter terrorism field for 30 years), Talal Bin Abdulaziz (Commerce and Industry Minister of the Saudi Royal Family) has put 30-40 Million behind Mrs. Clinton, among others. The mechanism usually used is through domestic counsel through an orbiting commercial enterprise, sometimes a charity, afloat here in the USA. Here is that troubling article:

<https://www.pastemagazine.com/articles/2016/06/this-is-the-hillary-clinton-scandal-no-ones-talkin.html>

I have enclosed a copy for your convenience.

It is, om characteristically journalistic style, subheaded:

"Much has been made over ABC News' investigation which revealed that during Hillary Clinton's time at the State Department, a Clinton Foundation donor with no experience or expertise in the area, found himself on a government advisory board dealing with top secret nuclear strategy. That news came on the heels of the Inspector General's damning report regarding Clinton's emails, which revealed that the former Secretary of State violated the Federal Records Act. But nobody is talking about the scandal that should be rocking her presidential campaign — and is an even bigger deal now that she is the presumptive Democratic nominee. Clinton's campaign is violating federal election law by coordinating with super PACs."

Has the FEC taken the opportunity to examine the Clinton's relationship with David Brock's "Correct the Record" (CTR) SuperPAC? It appears to be a dirty tricks internet and public manipulation program hiding as a SuperPAC so as to gain the extended funding it needs to directly support the Clinton Campaign (which apparently gives it donations, as do the general public) as a sort of "dirty digital tricks" program, likely in violation of the spending and purpose limits of the FEC (see article, copy annexed).

Initially CTR claimed that said loophole involved the FEC's "internet exemption" which says that online volunteer activities by uncompensated individuals do not count as expenditures, and are therefore exempt from the three prongs of the coordination test. However, that defense rang hollow as the Washington Post reported in May, 2015, saying it was unclear how CTR would be able to exploit the internet exemption given the fact that it pays its employees (and freelancers) to publish and generate content online. Just recently, in fact, CTR announced it is spending \$1 million on cyber trolls in an effort known as "Barrier Breakers."

I wish to point out that I work in another area of the US Government, but that during my use of various Internet sites, I'm finding "cyber trolls" who do appear to be working for the Clinton Campaign, but operating out of CTR, on Facebook and Twitter and publishing nonsense to Blogs. Some of them get pretty raucous and they unilaterally spread pro-Clinton colloquy and counter any political statements or publish comments which are politically be aligned with Mrs. Clinton - like direct partnership and shared information. It seems there is a channel between the Clinton campaign and them directing the action, it is so closely matched - like an active lynch mob waiting for anything anti-Clinton to appear on the Internet and then to play "wack a mole" against it.

It seems that the Clinton campaign is heavily investing in paired investments with the Family of Saudi Prince Abdulaziz, in these groups / SuperPACs who then match funds with public donations to spend millions on cyber trolls and news makers, e.g. "Barrier Breakers" - basically paid posers who pretend to be members of the public, but in point of fact SHILL THE SYSTEM for the Clinton Campaign, using a SuperPAC and Clinton campaign moneys to shill the outcome through Troll activity and publication.

I do believe the arrangement violates the FEC "three prong test" for violation of the SuperPAC law, using money illegally both directly from the public and through investments in the SUPERPAC CTR (and perhaps others) to build "Troll Herds" who muscle out any opposing opinions and support other spokespersons of political support (e.g. Bill Maher, various New Orgs, etc.) who publicly bias their news to support Mrs. Clinton, on collaboration with these Troll Herds who rush in and express phony support - e.g.- pre programmed to influence the public for Mrs> Clinton by pretending to be a "crowd of Clinton supporters, Trump or Sanders haters" on-line in what can only be seen as directly violation of the FEC laws on the illegal influencement issue.

It also seems that CTR is in the business of selecting demographics that would encompass a majority of Clinton supporters, holding a poll, and then publishing it through major media, misleading the public into seeing Clinton as massively leading the campaign. They seem to operate hundreds of fake ids on systems like Facebook and Twitter, etc. This is clearly unfair and should not be an allowed practice.

Basically, CTR is a paid SuperPAC for illegal public manipulation, pot stirring, a fake promotional apparatus and a violator of the election law governing SuperPACs, trying to leverage the tax situation to maximize every dollar into a massive appartchic of false and deceptive advertising.

I'd think they should be made to repay all the taxes they stole, and to return the funds they were paid, and exposed for what they are, on a priority basis, before they do more damage than they already have.

Elections need to be restored to hygienic behavior. Clearly this false promotion scheme violates both the law and the public trust.

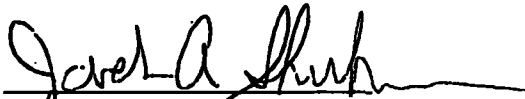
Please let me know if you can investigate this odd behavior that can only be deemed, not only unfair manipulation of public opinion, but a throwback to the days of Taminy Hall and other famed scandal

situations. Their brazen misuse of SuperPAC funding and offshore financial backing is, to me, a harbinger of disaster compounded only by their wish to make it difficult for the FEC to enforce the law.

I swear that the forgoing statements are true and accurate to the best of my knowledge.

Thank you for your courtesies and diligence!

Sincerely yours,


Dr. Jack A. Shulman

Westfield, NJ 07090

NOTARY PUBLIC

Subscribed and Sworn to before me on this 1 day of July, 2016.



LIA FAGAN
Notary Public of New Jersey
ID# 2453379
Commission Expires August 20, 2020

This is the Hillary Clinton Scandal No One's Talking About

By [Walker Bragman](#) | June 21, 2016 | 10:54am

Photo courtesy of Getty [Politics](#) | [Features](#)

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Much has been made over ABC News' [investigation](#) which revealed that during Hillary Clinton's time at the State Department, a Clinton Foundation donor with no experience or expertise in the area, found himself on a government advisory board dealing with top secret nuclear strategy. That news came on the heels of the Inspector General's [damning report](#) regarding Clinton's emails, which revealed that the former Secretary of State violated the Federal Records Act. But nobody is talking about the scandal that should be rocking her presidential campaign — and is an even bigger deal now that she is the presumptive Democratic nominee. Clinton's campaign is violating federal election law by coordinating with super PACs.

The Rules

Coordination between an independent expenditure group like a super PAC, and a candidate or his or her campaign, is expressly forbidden. As Joshua Holland of RawStory [explains](#):

The FEC looks at coordination on the level of individual communications. It's kosher for a super PAC to have general conversations about strategy with a campaign, as long as they don't work together to produce specific ads.

To determine if there is coordination, the FEC has a three-prong test. According to the FEC's website, "all three prongs of the test — payment, content and conduct — must be met for a communication to be deemed coordinated and thus an in-kind contribution."

Without typing the rule guide verbatim, the first prong—payment—simply means who paid for the communication (often meaning advertisement): Was it wholly or only partly by the candidate/campaign? The second prong refers to the subject matter of the communication. For example, would it count as electioneering, or does it expressly advocate for or against a specific candidate?

The third prong, conduct, has three elements: request or suggestion, material involvement, and former employee/independent contractor. Was the communication done at the request or suggestion of a candidate? Was there material involvement by the candidate or party in the content, timing, means or mode of the communication, or the media outlet used? Was the person paying for the communication a former employee or independent contractor of the candidate or party?

However, there are exemptions to these rules barring coordination known as "safe harbors:"

1) **Endorsements and solicitations** from candidates which will not count as coordination unless done to promote their candidacy, or push for or against state ballot initiatives or referenda..

2) **Legislative inquiries** meaning "[a] candidate's or political party committee's response to an inquiry about that candidate's or party's positions on legislative or policy issues, which does not include discussion of campaign plans, projects, activities or needs."

3) Where an independent expenditure group uses **publicly available information** to generate a communication, that communication will not to count as coordination unless the communication was a request or suggestion by the candidate's committee — which is, of course, difficult to prove. However, this safe harbor exempts communications from the other two elements of the "content" prong.

4) Where a **firewall** between the independent expenditure group and a campaign exists, and is described in a written policy distributed to all affected employees, clients, and consultants, which prevents the sharing of information about the candidate or political party's plans, projects, activities or needs. "The firewall must be designed and implemented to prohibit the flow of information between employees or consultants providing services for the person paying for the communication; and those currently or previously providing services to the candidate, the authorized committee, the candidate's opponent, the opponent's authorized committee or a political party committee."

These rules can be (and are) confusing. Even many of the people I spoke to who work for the FEC seemed to have a hard time explaining them. With so much confusion, it is not difficult to see how enforcement might be difficult — but more on that later.

How Hillary Clinton Breaks Them

Though Hillary Clinton's campaign denies coordinating with super PACs, one of those super PACs tells a different story.

Though it calls itself a "strategic research and rapid response team," Correct The Record (CTR) is a super PAC run by political hitman and Clinton ally, David Brock, which accepts unlimited donations. The *International Business Times* reported that Clinton's campaign has donated to CTR to the tune of more than \$280,000.

Officials for CTR have admitted to coordinating with Clinton's campaign. They claim to be exploiting a legal "loophole."

Initially CTR claimed that said loophole involved the FEC's "internet exemption" which says that online volunteer activities by uncompensated individuals do not count as expenditures, and are therefore exempt from the three prongs of the coordination test. However, that defense rang hollow as the *Washington Post* reported in May, 2015, saying it was unclear how CTR would be able to exploit the internet exemption given the fact that pays its employees (and freelancers) to publish and generate content online. Just recently, in fact, CTR announced it is spending \$1 million on cyber trolls in an effort known as "Barrier Breakers."

In light of this apparent problem CTR seemingly changed its tune. *WaPo* updated its report with the following:

Correct the Record officials say they are not relying on the individual Internet exemption, but rather a related exemption in the definition of coordinated communications.

Still, the *Los Angeles Times* put out an article several months later which cited a spokesperson for CTR falling back on their original defense. And all of this reporting was done in 2015. So at this point, all we know is coordination is occurring, and it is more than likely illegal as none of the exemptions appear to apply to CTR's work.

I reached out to CTR multiple times (including twice on Twitter — to both their main account and to David Brock) to find out exactly what exemption they are referring to, but have yet to hear back. I will update this piece if and when I receive a response.

Why She'll Get Away With It

Of course, in what many would call the defining feature of her political existence, just because what Hillary Clinton is doing is illegal does not mean she will face legal consequences for it.

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The landmark Supreme Court decision in *Buckley v. Valeo* tied campaign finance to the First Amendment's free speech protections, holding that money is essentially a vehicle for speech. That case and its progeny have thrown a monkey wrench into the works when it comes to regulating money in politics. The resulting political pressure on regulators has been immense — especially in election years.

The FEC Chairperson, Ann M. Ravel, recently announced that the regulatory agency has (unsurprisingly) found itself unable to curb election law abuses. The six member panel of commissioners is not allowed more than three members from any one political party. Right now, two are Democrats, one is an independent, and three are Republicans. Along with the aforementioned political pressure, the partisan divide is preventing enforcement.

That is because, according to a spokesperson for the FEC, “[a] vote of at least four Commissioners is needed at every stage, including whether to (1) find reason to believe and initiate an investigation, (2) find probable cause that a violation has occurred or is about to occur, (3) settle a matter, or (4) authorize filing a lawsuit. If there are not four votes at any stage, the Commission will not proceed to the next step of the process.”

This sorry state of affairs is allowing politicians to openly defy federal laws. Hillary Clinton and CTR are by no means the only guilty parties, but they are perhaps due for greater scrutiny given the fact that the former is the presumptive presidential nominee for a major party.

All enforcement matters are private until resolved, so there may come a day when CTR and Clinton are held accountable. However, if nothing changes, it is unlikely.

Why It Matters

It is also important to note that simply because Clinton is not the only politician engaging in this practice is no excuse for breaking the law. As the *Los Angeles Times* reports:

This presidential cycle, that rule is being stretched like never before, as super PACs shadow candidates and take on roles once reserved for the campaign organizations themselves — even staging campaign rallies.

Many of the super PACs and the campaigns are run by a revolving door of close friends and staffers, ensuring that the two sides share a common playbook even when they avoid tripping over the vague Federal Election Commission rules banning coordination.

While the 2016 GOP presidential candidates almost all engaged in this practice — with the exception of Trump — that's irrelevant. Throughout the primary Hillary Clinton promised to reform campaign finance, an issue Senator Bernie Sanders brought to the forefront of the national conversation. Her disregard for federal election law belies that promise.

And that's a serious problem because of what is at stake is nothing less than our democratic process — the heart of our republic. Campaign finance reform is not just some nebulous idea that

doesn't matter or can wait. Policy outcomes for virtually every other major issue hinge on it — just look at the gun control issue. Who our elected leaders listen to matters.

There are more ways than ever for wealthy individuals to influence government and manipulate the public. The amount of money being spent on elections has reached unprecedented highs, which has translated into legislators spending literally 50 percent of their time fundraising. Is it any wonder that studies are beginning to show that the collective voice of the American people has a negligible effect on policy outcomes when compared with the demands of the elite?

Government that listens to its people is the central principle of American democracy — and it is being eroded by a handful of powerful individuals, and a larger number of complacent politicians.

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